

River Navigation Improvement (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Improvement of the navigation of rivers.
 2. Tolls.
 3. Acquisition of land and borrowing.
 4. Officers.
 5. Expenses.
 6. Committee.
 7. Joint action.
 8. Savings.
 9. Construction and citation.
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A.D. 1914. tolls), and section ninety-five (relative to the enforcement of payment of tolls) of the Drainage (Ireland) Act, 1842, shall, with the substitution of the county council, and their collectors and officers for the Commissioners and their collectors and officers, apply with respect to tolls chargeable under this Act as they 5 apply with respect to tolls chargeable under that Act.

(3) All tolls received or recovered by the county council shall be applied in aid of their expenses under this Act, and if the amount so received or recovered in any year exceeds the amount of the expenses of that year, the surplus shall either be carried 10 to a suspense account and applied in aid of the expenses of any subsequent year or, if so directed by the county council, shall be carried to the credit of the fund to which expenses are charged, or if there are two or more such funds to the credit of those funds rateably in the proportion in which the funds are charged. 15

Acquisition
of land and
borrowing.

3. For the purposes of this Act a county council may acquire land, easements, and rights under subsections (1) and (2) of section ten of the Local Government (Ireland) Act, 1895, and may borrow money under article twenty-two of the schedule to the Local Government (Application of Enactments) Order, 1898, 20 in like manner as if those purposes were mentioned in those subsections and article respectively, and money borrowed for the purposes of this Act shall not be reckoned as part of the debt of the county for the purposes of the said article.

Officers.

4. Subject to the approval of the Local Government Board 25 the county council may appoint and employ such officers and other persons as they may think necessary for the exercise and performance of their powers and duties under this Act at such salaries or other remuneration as the Board may sanction.

Expenses.

5.—(1) The expenses of a county council under this Act 30 shall, subject to the provisions of this section, be raised by means of the poor rate as a county at large charge.

(2) If the county council consider that those expenses or any part thereof should, instead of being levied as a county at large charge, be levied as an urban charge or a district charge, 35 as the case may be, off any urban or rural district or districts in the county specially benefited by the works, they shall pass a resolution in the prescribed form and shall communicate the same to the council of every county district affected, and subject to an appeal by any such council, and the right of the Local 40

Government Board upon such appeal to modify or rescind the resolution, the resolution shall come into operation in like manner as a declaration of a county council as to main roads comes into operation under section eight of the Local Government (Ireland) Act, 1898, and subsections (5) to (10) of that section shall apply accordingly with the necessary modifications, and in particular with the modification that the powers of the Local Government Board on an appeal shall include a power to rescind the resolution. A.D. 1914.

(3) When a resolution under this section comes into operation it shall remain in operation unless and until it is modified or rescinded by the Local Government Board on the application of the council of the county or of any county district affected, and if so modified shall, subject to the modifications, have effect in like manner as the original resolution.

6.—(1) Where a county council undertake any works under this Act, they may, and if their expenses under this Act or any part thereof are levied off any county district as an urban or district charge they shall, appoint a committee for the purposes of this Act. Committee.

(2) The committee shall consist of such number of members as may be determined by the county council, and where the whole or any part of the expenses of the county council under this Act are levied off any county district as an urban or district charge, shall include, in addition to members appointed by the county council, such number of members appointed by the council of any county district so charged as may be agreed upon between the county council and the council of the district, or may be determined, in default of agreement, by the Local Government Board.

(3) A person may be appointed a member of the committee under this section although he is not a member of the council by which he is appointed.

(4) Subject to the provisions of this section, the constitution and procedure of the committee shall be regulated by article thirty-six of the schedule to the Local Government (Application of Enactments) Order, 1898.

7.—(1) Subject to the approval of the Local Government Board, two or more county councils may agree in the prescribed manner to combine for the purpose of the exercise and performance of their powers and duties under this Act in relation Joint action.

A.D. 1914. to the improvement of the navigation of any river which passes through or bounds their respective counties.

(2) Where any such agreement is entered into with the approval of the Local Government Board, the foregoing provisions of this Act shall have effect, subject to the following modifications, 5 namely:—

- (a) Each county council shall contribute to the expenses incurred in such proportion as may be agreed upon;
- (b) The powers and duties of the county councils under this Act (other than the powers of borrowing, making a 10 rate charging expenses on county districts, or acquiring land) shall be exercised and performed by a joint committee appointed by the county councils and the acts of the committee in the exercise and performance of these duties shall not require to be approved by 15 any of the county councils;
- (c) The number of members of the joint committee and the representation thereon of each county shall be such as may be agreed upon, and the provisions of this Act as respects the inclusion on a committee of representatives 20 of the council of a county district in certain cases shall apply as respects the inclusion of such representatives in the like cases amongst the representatives of a county council on the joint committee, and, subject as aforesaid, article thirty-eight of the schedule to the 25 Local Government (Application of Enactments) Order, 1896, shall apply as respects the constitution and procedure of the joint committee.

Savings. 8. Nothing in this Act shall extend to or affect any estate, right, power, privilege, or exemption of the Crown, or any powers 30 given by Act of Parliament to any body of persons in relation to the improvement of the navigation of a river.

Construction and citation. 9.—(1) Expressions to which special meanings are assigned by the Local Government (Ireland) Act, 1896, shall in this Act have the like respective meanings, and in this Act the expression 35 "Board of Works" means the Commissioners of Public Works in Ireland, and the expression "land" includes water and land covered with water, and the expression "rights and easements" includes rights to and in water.

(2) This Act may be cited as the River Navigation Im- 40 provement (Ireland) Act, 1914.

**River Navigation
Improvement (Ireland).**

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B I L L

**To provide for the Improvement of
the Navigation of Rivers in Ireland.**

Proposed by Mr. O'Brien

supported by

Mr. Gordon, Mr. Murphy, and Mr. Callinan

*Ordered, by the House of Commons, to be Printed,
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Provide for the Improvement of the Navigation of
Rivers in Ireland.

A.D. 1914.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 1.—(1) Subject to the provisions of this Act, the council of any county shall have power to undertake and construct within the county works for the improvement of the navigation of any river in accordance with schemes prepared by the county council and approved by the board of works and to cause such
10 surveys, reports, and plans to be made as may be necessary for the purpose of preparing any such schemes.

Improvement of the navigation of rivers.

- (2) Any works so undertaken shall be carried out to the satisfaction of the board of works, and shall be maintained in good condition and repair by the county council, who shall
15 comply with any requirements made in that behalf by the board.

- 2.—(1) When a county council have constructed works for the improvement of the navigation of a portion of a river under this Act, they may charge such tolls as may be sanctioned
20 by the board of works in respect of the navigation of that portion of the river, or any part thereof, and in respect of the use of any works constructed or acquired by the council for the purposes of the improvement.

- (2) The provisions of section ninety-two (relative to disputes
25 as to the weight or quantity of goods chargeable with tolls), section ninety-four (relative to the posting of lists of rates and [Bill 262])

A.D. 1814. tolls), and section ninety-five (relative to the enforcement of payment of tolls) of the Drainage (Ireland) Act, 1842, shall, with the substitution of the county council, and their collectors and officers for the Commissioners and their collectors and officers, apply with respect to tolls chargeable under this Act as they 5 apply with respect to tolls chargeable under that Act.

(3) All tolls received or recovered by the county council shall be applied in aid of their expenses under this Act, and if the amount so received or recovered in any year exceeds the amount of the expenses of that year, the surplus shall either be carried 10 to a suspense account and applied in aid of the expenses of any subsequent year or, if so directed by the county council, shall be carried to the credit of the fund to which expenses are charged, or if there are two or more such funds to the credit of those funds rateably in the proportion in which the funds are charged. 15

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5.—(1) The expenses of a county council under this Act 30 shall, subject to the provisions of this section, be raised by means of the poor rate as a county at large charge.

(2) If the county council consider that those expenses or any part thereof should, instead of being levied as a county at large charge, be levied as an urban charge or a district charge, 35 as the case may be, off any urban or rural district or districts in the county specially benefited by the works, they shall pass a resolution in the prescribed form and shall communicate the same to the council of every county district affected, and subject to an appeal by any such council, and the right of the Local 40

Government Board upon such appeal to modify or rescind the resolution, the resolution shall come into operation in like manner as a declaration of a county council as to main roads comes into operation under section eight of the Local Government (Ireland) Act, 1898, and subsections (5) to (10) of that section shall apply accordingly with the necessary modifications, and in particular with the modification that the powers of the Local Government Board on an appeal shall include a power to rescind the resolution. A.D. 1914.

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(2) The committee shall consist of such number of members as may be determined by the county council, and where the whole or any part of the expenses of the county council under this Act are levied off any county district as an urban or district charge, shall include, in addition to members appointed by the county council, such number of members appointed by the council of any county district so charged as may be agreed upon between the county council and the council of the district, or may be determined, in default of agreement, by the Local Government Board.

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- (b) The powers and duties of the county councils under this Act (other than the powers of borrowing, making a 10 rate charging expenses on county districts, or acquiring land) shall be exercised and performed by a joint committee appointed by the county councils and the acts of the committee in the exercise and performance of these duties shall not require to be approved by 15 any of the county councils :
- (c) The number of members of the joint committee and the representation thereon of each county shall be such as may be agreed upon, and the provisions of this Act as respects the inclusion on a committee of representatives 20 of the council of a county district in certain cases shall apply as respects the inclusion of such representatives in the like cases amongst the representatives of a county council on the joint committee, and, subject as aforesaid, article thirty-eight of the schedule to the 25 Local Government (Application of Enactments) Order, 1898, shall apply as respects the constitution and procedure of the joint committee.

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